

From: Gerald Mueller <gmueller@montana.com>
To: Tina Laidlaw/MO/R8/USEPA/US@EPA
Cc: "Suplee, Mike" <msuplee@mt.gov>
Date: 12/08/2009 04:57 PM
Subject: Re: January NWG Meeting

I assume that the group will approve moving EPA's response to the 1% MHI cost cap to February. I will ask Carrie Greeley so notify the group.

The questions, which were raised by Don Quander, addressed EPA's legal views of topics related to nutrient standards. Based on my notes, the questions which the NWG would like EPA to address are as follows:

1% MHI Cost Cap for Publicly-owned Systems - The Nutrient Criteria Affordability Advisory Group agreed to 1% of median household income (MHI) cost cap for a public entity demonstrating that complying with numeric nutrient standards would cause the community to incur both substantial and widespread economic impacts. This cost cap would mean that total pollution control costs per household to meet the numeric nutrient standards need not exceed 1% of the MHI. The NWG would like clarification of EPA's position on a 1% cost cap for Montana publicly owned systems.

Case-by-case Application of the 1% MHI Cost Cap - If the 1% MHI, or some other value less than 2%, is acceptable as a cost cap only on a case-by-case basis, can EPA offer detailed guidance on which cases would be acceptable?

Permit Shield - Does EPA have an opinion of the permit shield consistent with DEQ's? Rosemary said that EPA's opinion is consistent with DEQ's, so unless she was mistaken, this question is answered.

Sunrise Date - Does EPA have any additional guidance on the acceptability of a sunrise date for numeric nutrient standards, i.e., a delayed effectiveness date?

Thanks.

Gerald

Tina@epamail.epa.gov wrote:

Gerald,

I had two questions for you. The first was a request to move the discussion on % MHI to the February meeting so the appropriate people from HQs can participate (they are unavailable on the 21st). Also, I heard the workgroup had a few questions for EPA. Mike indicated you had written them down. Would you mind emailing them to me please?

Thanks!

Tina

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| January NWG Meeting |
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The meeting is scheduled for the third Thursday, January 21.

Gerald